

Remarks/Arguments

Claims 1- 7 and 10 - 12 remain pending in the Application.

In the Final Office Action mailed December 15, 2005 the Examiner has rejected claims 1-12 under 35 U.S.C. 101 because the disclosed invention “is inoperative”. The Examiner is, respectfully, incorrect that the device is “inoperative”. A number of retention devices have been made and sold in the past year and accomplish their purpose very effectively.

The equation in dispute works well for determining the optimal diameter for a through-hole in a sheet supported on a flat surface to retain a ball from rolling and for ensuring that the underlying surface supports most of the weight of the ball, particularly for the range of thicknesses listed in the specification, that is about 0.125 inches to about 1.0 inches. (See page 5, lines 10-14.) Cost and practicality are obvious concerns for this retention device, and while a thickness equal to the diameter of the ball (8.6 inches) is not practical, by using the equation, a hole diameter equaling an indeterminate amount and not equal to zero, would result.

Nonetheless, in the context of the invention and for the range of thickness specified, considering cost and practicality, the equation does derive the diameter of a through-hole which will necessarily support little of the weight of the ball and retain the ball from rolling across the surface on which the retention device, and ball are placed.

It should be clear from the specification that this is the purpose of the device as supported in the specification at page 3, lines 12-14; page 4, lines 1-3 and 7-10; page 5, line 26 to page 6, line 1; and page 6, lines 11-12.

Accordingly, independent claims 1 and 10 have been amended to recite that the sheet is supported by a surface and that surface carries a substantial portion of the weight of the ball. In addition, any reference to an equation for determining the diameter of the opening has been removed from the claims. Accordingly, no new matter has been added.

The cited art differs in that it illustrates a device which carries all of the weight of the ball.

The Examiner also rejected claims 1-12 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103 (a) as obvious, over Galowitz, (United States Patent No. 4,214,684).

Galowitz ('684) appears to be directed at an apparatus for holding a plurality of balls for convenient transportation. More particularly, the technology therein is directed at holding eight (8) medium to small sized balls, such as for bocce or croquet, where a large number may easily be carried. The apparatus comprises a plurality (3) of support members spaced apart by balls in a vertical array and connected to a support frame, the frame comprising two support rods. A means is included for imposing a force on the support rods. At column 3, lines 1-3, '684 recites "more than **three support members** could be used if so desired as will be explained later" (emphasis added). Accordingly, Galowitz teaches a complex transportation device for bocce balls. **In other words, the device supports the balls.**

Applicant's present invention has a different purpose and contains none of the elements claimed in '684. Since the Applicant's device is directed at **tenpin** bowling balls, the majority of which weigh between and including 14 pounds to 16 pounds, Applicant's invention is not directed at transporting such balls, as the plurality would be

too heavy and unsteady. Instead, the present invention is directed at retaining tenpin bowling balls from rolling along a flat surface which supports most of their weight.

As recited at page 3, lines 15-18 of the Application, “It is a further object of the present invention to provide a ball **retention device** which has a plurality of openings, **each opening matched to the shape of the bowling ball such that the retention device carries little or no weight from the ball**, but rather prevents rolling of the bowling ball” (emphasis added). Thus, the diameter of the holes is not “an obvious matter of choice” as stated by the Examiner. If the hole is made too small, the device carries all of the weight of the ball and the ball may easily roll out of the hole. If the hole is too large, the ball is fully supported by the underlying surface (e.g. floor) and again if provided with momentum may easily roll out, defeating the purpose of the device. (See also page 4, lines 7-10 and 23 and page 5, line 21 to page 6, line 1 for support.)

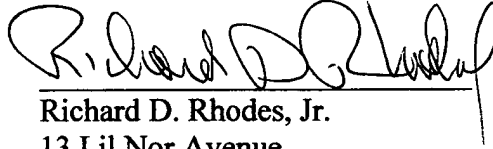
Accordingly, independent claims 1 and 10 have been amended to recite that the sheet is supported by a surface and that surface carries a substantial portion of the weight of the ball and any reference to an equation for determining the diameter of the opening has been removed from the claims. The cited art illustrates a device which carries all of the weight of the ball.

Accordingly, no new matter has been added.

In consideration of the amendments to the claims and the remarks hereinabove, Applicant respectfully submits that all claims currently pending in the application are believed to be in condition for examination. Allowance at an early date is respectfully solicited. Re-examination and reconsideration is respectfully requested.

In the event the Examiner deems personal contact is necessary, please contact the undersigned at (603) 692-7339.


Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard D. Rhodes, Jr.", written over a horizontal line.

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 31, 2006, at Somersworth, New Hampshire.

By: 
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